

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 26, 1999

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel(Miriam A.), J., Masterson, J., and S. Beaux,
Deputy Clerk.

Each of the following:

B113889 People v. Dawley et al.
B114215 People v. Chavez
B114561 Walton v. LA Times
B115411 People v. Sylvester
B116578 People v. Shepherd
B117234 People v. Isabell
B117320 People v. Spinks
B118207 People v. Thompson
B118569 People v. Cruz
B118740 People v. Bolden
B118748 People v. Hope
B119329 People v. Khambounheuang
B120109 People v. Jordan
B120134 People v. Neville B.
B120419 People v. Mejia
B120794 People v. Jones
B121167 People v. Cardoza
B121753 People v. Wright
B122403 People v. Gomez
B117654 In re Briyonna T.
B123866 People v. Herrera
B124204 People v. Torres
B117574 People v. Miller

Argument waived, cause submitted.

DIVISION ONE (Continued)

B115804 County of L.A.
v.
Ranger Ins. Co.

Merits:

Argued by H. Anthony Nicklin, deputy county counsel, for respondent and no appearance for appellant. Cause submitted.

B120410 The People
v.
Tyler

Merits:

Argued by Carlton E. Lacy for appellant and by Ruth L. Wei, deputy district attorney, for respondent. Cause submitted.

B126017 The People
v.
SCLA
(Johannes, r.p.i.)

Merits:

Argued by Fred Klink, deputy district attorney, for petitioner and by Jack T. Weedon for real party in interest. Cause submitted.

B123257 The People
v.
Webb

Merits:

Argued by Brent Riggs, deputy district attorney, for appellant and by Alex Ricciardulli, deputy public defender, for respondent. Cause submitted.

DIVISION ONE (Continued)

B120866 Ciccel
 v.
 Clinton et al.

Merits:
Argued by Donald K. Wilson for respondent and no appearance for
appellant. Cause submitted.

B126521 Lee
 v.
 SCLA
 (The People, r.p.i.)

Merits:
Argued by John Hamilton Scott, deputy public defender for petitioner and
by Joseph Sorrentino, deputy district attorney, for real party in interest.
Cause submitted.

B107333 Levy
 v.
 American Honda Motor Co.

Merits:
Argued by Bret A. Shefter for appellant and by Patricia M. Coleman for
respondent. Cause submitted.

B120231 The People
 v.
 Dent

Merits:
Argued by Russell S. Babcock for appellant and by Deborah J. Chuang,
deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B120328 The People
 v.
 Muhammad

Merits:

Argued by Otis L. Hubbard, deputy district attorney, for appellant and by Felicia Kahn Grant for respondent. Cause submitted.

B124309 The People
 v.
 Frausto

Merits:

Argued by Diana L. Summerhayes, deputy district attorney, for appellant and by Alex Ricciardulli, deputy public defender, for respondent. Cause submitted.

B114389 Hale
 v.
 Hale

Merits:

Argued by Marjorie G. Fuller for appellant and by Honey K. Amado for respondent. Cause submitted.

B120637 Marshall
 v.
 Longyear

Merits:

Argued by Gary Chester Marshall for appellant and by Cheryl A. Orr for respondent. Cause submitted.

Vogel, J. leaves the bench.

DIVISION ONE (Continued)

B117002 Agopian
v.
Tashjian

Merits:
Argued by Serge Agopian for appellant and by Ronald Makarem for respondent. Cause submitted.

B115740 Hall
v.
Hillcrest Country Club

Merits:
Argued by Marshall A. Caskey for appellant and by Lawrence H. Stone for respondent. Cause submitted.

Court adjourned.

[illegible]

The order sustaining the petition is affirmed; the dispositional order is reversed; and the cause is remanded to the juvenile court with directions to enter an appropriate dispositional order.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

January 26, 1999-Continued

DIVISION ONE (Continued)

B121753 People v. Wright (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B123463 Los Angeles County, D.C.S. (Not for Publication)
v.
Virginia J.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B122057 Los Angeles County, D.C.S. (Not for Publication)
v.
Robin W.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

January 26, 1999-Continued

DIVISION ONE (Continued)

B117574 People (Not for Publication)
v.
Miller

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B118071	Diamond v. Minouei
B121783	Diamond v. Mehdian et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B119299 People
v.
Vallejo

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B117745 People
v.
Aguilar

Filed order modifying opinion. (No change in the judgment)

DIVISION TWO

B107911 People (Not for Publication)
v.
Askew

The Court:

The judgment is modified to vacate the consecutive sentence of life without the possibility of parole on count 3 and to reflect a consecutive sentence of 15 years to life, with a 4-year enhancement, on that count. In all other respects, the judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B116732 People (Not for Publication)
v.
Suarez, et al.

The Court:

The judgments are affirmed. The superior court is directed to prepare an amended abstract of the judgment against Refugio Suarez that indicates that his conviction on count 3 was by a jury trial and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B122288 Los Angeles County, D.C.S. (Not for Publication)
v.
Beverly E.

The orders are affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B116855 Joon Y. Koh, M.D. et al. (Not for Publication)
 v.
 First Federal Bank of California

The sanction order is affirmed. The case is remanded to the trial court with directions to calculate the proper award to be made to First Federal for costs, including attorney fees. In all other respects the judgment is affirmed. The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B125965 County of Los Angeles
 v.
 Peters

Filed order denying petition for rehearing.

B114533 Foothill Village Homeowners
 v.
 Bishop
 First

Filed order denying petition for rehearing.

January 26, 1999-Continued

DIVISION FOUR (Continued)

B117310 Billinger (Not for Publication)
v.
Department of Health Services

We conclude that the trial court properly sustained the demurrer without leave to amend. The judgment (order of dismissal) is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B119510 People (Not for Publication)
v.
Sukhija

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B116832 Los Angeles County, D.C.S. (Not for Publication)
v.
Geovani R.

The judgment (orders relating to reunification and visitation) is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FIVE

B120277 Mary Prime et al. (Not for Publication)
 v.
 Joan P. Miller

The judgment in favor of defendant, Joan P. Miller, is reversed. All parties are to bear their own costs on appeal.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

B120571 Kelly Johnson et al. (Not for Publication)
 v.
 Epic Escrow Service, Inc. et al.

The order denying defendants motion to amend the judgment to award costs, including attorney fees, is reversed. On remand, the trial court shall consider both the motion and the cost memorandum on the merits. Defendants, Epic Escrow Service, Inc., and Mary Quan, a.k.a. Mary Tsui, are to recover their costs on appeal, jointly and severally, from plaintiffs, Kelly D. and Gay L. Johnson.

Turner, P.J.

We concur: Grignon, J.
 Armstrong, J.

DIVISION SIX

B117831 People (Not for Publication)
 v.
 Magallon

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Stone, J. (assigned)

January 26, 1999-Continued

DIVISION SIX (Continued)

B122527 Mowry (Not for Publication)
v.
RPM Cycles

The judgment (order granting new trial) is affirmed. Mowry is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B121459 People (Not for Publication)
v.
Burham

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B119259 People (Not for Publication)
v.
Corpus

The judgment is affirmed.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

January 26, 1999-Continued

DIVISION SIX (Continued)

B125334 People v. Arias (Not for Publication)

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B124478 People (Not for Publication)
v.
Miramontes

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B123595 People (Not for Publication)
v.
Rifkin

The judgment is affirmed.

Burke, J. (Assigned)

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (Continued)

B122848 People (Not for Publication)
v.
Petersen

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Burke, J. (Assigned)

DIVISION SEVEN

B119375 People (Not for Publication)
v.
Binns

The judgment is modified to stay execution of the terms imposed for the kidnapping for robbery (count 2) and robbery (count 9), pending the finality of the judgment. The stay will become permanent when service of the sentence is completed as to the other terms of imprisonment. As modified, the judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B121764 People (Not for Publication)
v.
Ruano

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B110722 Fenton, et al.

v.

Unihealth America, Inc., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)